

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner lives with his two sons. Their household income is \$1,776 per month.
2. During the petitioner's Food Stamp review in January of this year, the Department determined that his shelter expenses were \$146 a month in property taxes, \$865 a month in mortgage payments, and a standard fuel and utility expense of \$363. The Department determined the petitioner's net income for Food Stamps by subtracting a standard deduction of \$134 and a deduction for excess shelter costs (i.e., the amount he

spends on monthly shelter expenses in excess of 50 percent of his net income, see infra) of \$578¹.

3. According to the Department's calculations the petitioner's net Food Stamp income (see infra) is \$1,064.

4. The Department notified the petitioner that as a result of these calculations as of February 1, 2002 his Food Stamp benefits would go down from \$51 to \$36 per month.

5. At the hearing, held on March 6, 2002, the Department admitted, but could not explain, that when the petitioner's case was last reviewed in July 2001 it had calculated the petitioner's property taxes to be \$195 a month as opposed to the \$146 he is presently being allowed. However, at the hearing the Department and the petitioner presented identical copies of his current tax bill. This showed the petitioner's taxes to be \$1,752 for the year, which clearly supports the Department's calculation of \$146 a month. Inasmuch as the petitioner's taxes do not appear to have decreased this year, it appears that the previous calculation by the Department was an error that resulted in a higher amount of Food Stamps being paid at that time.

¹ This amount appears to include an additional shelter expense (perhaps insurance) of \$45 a month.

ORDER

The decision of the Department to reduce the petitioner's Food Stamps to \$36 per month is affirmed.

REASONS

A Food Stamp recipient is eligible for a "household shelter deduction" for the "[m]onthly shelter costs in excess of 50 percent of the household's income after all other deductions . . . have been allowed. F.S.M. 273.9(d)(5)(i). The only other deduction from income for which the petitioner appears to qualify is a standard deduction of \$134 a month.

F.S.M. 273.9(d)(1). Under the Department's regulations, a three-person household with \$1,064 in countable income is eligible for \$36 in Food Stamp benefits. F.S.M. 273.10(a), Procedures 2590D(8). As the Department's decision is in accord with its regulations, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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